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EXAMINER

BROOKS, MATTHEW L


ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JB

 Office Action Summary	Application No. 09/779,278	Applicant(s) MEIFU ET AL.	
	Examiner Matthew L. Brooks	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/08/2001</u> . | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: H6 from Fig. 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The registration of the sub-group data should occur prior to measurement data is obtained, not when shot button is pressed. However if this is what applicant intended, applicant needs to further explain or reword the claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "a unit that registers the sub-group in the group data storage unit based on the measurement data obtained when a shot button is pressed ...". Examiner cannot fully understand what the applicant intends by having the registration of the sub group occur in the data storage unit, based upon the measurement data obtained.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 is vague and indefinite in that the distribution

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processing unit determines "store" data, which is not with in the specification and it appears that it should be "store" data. Necessary corrections must be made.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher.

9. With respect to Claim 1: Fisher discloses a golf data management system comprising: a portable communication terminal and data center which are both capable of transmitting and receiving data (Column 5, 55-57; "golf computer 14" and "host computer 11") wherein the portable communication terminal comprises:

a recording unit that records play data (Column 6, 50 and Column 7, 6-7 and Column 12, 29-30);

a transmission unit that transmits the play data to data center after each hole (Column 5, 59-60) If the people in the club house can keep track of the golf game on a real time basis, play data from the golf computer must be transferred from golf computer to host computer after each hole;

a display unit (Column 6, 16-18 "display means 16") which displays the stored data (Column 6, 41- 45);

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Fisher does not disclose that the portable communication terminal adds an individual identification number of a player. However, Fisher does add an individual identification number at the "host computer" (Column 8, 59-62 "ID number is input 234") and is arbitrary at which point the identification number added and to add the ID number at the portable communication terminal would be obvious at the time the invention was made to a person having ordinary skill in the art.

Fisher discloses a data center (Column 5, 56; "host computer11") that is capable of transmitting or receiving data to and from the portable communication terminal (Column 6, 10-14)

Fisher discloses a data center which comprises:

an individual data storage unit that manages practice and play data corresponding to the individual (Fig. 20, Column 6, 1-6, Column 9, 42-49);

Fisher does not disclose, per se, a separate computer composing an individual data storage center, common data storage unit, and/or output unit in response to request from the portable communication terminal. However, Fisher does disclose all of the afore mentioned components within the portable communication terminal (see below) and contemplates keeping the individual data, play data and course information in a separate datacenter or database and then accessing by a communication means (Column 9, 42-52). Also, Official Notice is taken that it would be obvious to a person of ordinary skill in the art to keep the information in a separate data center in order to keep the actual size of the portable communication terminal a smaller size.

Fisher discloses a common data storage unit storing course map data of a plurality of golf courses (Fig. 20 and Column 9, 15-23). Examiner notes that CD and CD ROM is a common data storage unit and is capable of storing a plurality of courses. In addition Fisher discloses that information/transferable memory regarding "course data" may be may be inserted into a "host computer" and/or accessed by a wireless means (Column 6, 6-14). Thus, Fisher fully anticipates course map data of a plurality of golf courses. Further still a duplication of parts/steps for multiple effects is well-known and obvious under 103. See *In re Harza*, 124 USPQ 378, CCPA 1960 or *St. Regis paper co. vs. Bemis co.* CCPA 1977.

Furthermore Fisher is capable of outputting play data, the play data stored in the individual data storage unit in response to a request from the portable communication terminal. Fisher through out indicates that the "host computer" is used in conjunction with the "golf computer" (Column 5, 55-57). Also, Fisher shows individual information entered into the host computer at check in (Fig. 17). Although Fisher used IC cards to transfer the information, Fisher contemplated that the IC cards were not necessary and the information could be transferred by a wireless means (Column 6, 12-14). Thus, Fisher fully discloses and anticipates the output unit.

10. With respect to Claim 2: Fisher discloses using data recorded from an individual golfer's portable communication terminal to produce individual advice for the player (Column 12, 1-9 and Fig. 23).

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11. With respect to Claim 3: Fisher discloses using data of an individual golfer's past performance to produce individual advice for the player (Column 9, 55-64 and Column 1, 65-68).

12. With respect to Claim 4: Fisher discloses a portable communication terminal comprising a recording part recording part that records measurement data (Column 6, 49-52 and Column 7, 4-7); the portable communication terminal is capable of communicating the recorded information to a data center via a communication network (Column 12, 28-38).

Fisher does not disclose an "input button", "holed-out button", "uploading header", and the play data being stored in data storage unit.

However, Fisher discloses the golfer inputting the information via the recording means (Column 7, 5-8) and although it does not use a "holed-out button", golfers enter the information that the golfers holed-out and transmits the data to the host computer and although Fisher does not per se use an uploading header it discloses that the golf information is transferred on a real time basis allowing member in the club house to follow the golf game (Column 5, 55-62). Thus it would be obvious to one skilled in the art to use a "holed-out" button and inherently Fisher must use a type of uploading header because individual golfer's information is track-able to an individual golfer.

Fisher does disclose updating individual storage data obtained after the shot, although not in the data storage unit but in the portable communication terminal (Column 12, 28-38). And it would be obvious to store the information in a datacenter and is contemplated by Fisher (Column 9, 42-50).

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13. With respect to Claim 5: Fisher discloses a group data storage unit that manages data on performance of a sub-group in which members are carrying the portable communication terminal and Fisher distributes the individual play data to each portable communication terminal of the sub-group when it is determined all members of the sub group have holed out. (Column 1, 55-60 and Column 10, 26-30 and Column 12 50-59).

Although Fisher does not use the terms "group data storage unit" and "distribution processing unit", Fisher carries out all of the same functions allowing an individual gofer to record his play data and have it transmitted to other portable communication terminals with in her sub-group and it would be obvious to a person having ordinary skill in the art that in order to carry out Fisher's model that a "group storage unit" is or could be used, along with a "distribution processing unit".

14. With respect to Claim 6: Fisher discloses keeping track of sub-group play data based upon measurement data obtained (Column 12, 53-55).

15. With respect to Claim 7: Fisher teaches a data center that has: individual data storage (Column 6, 1-6) accompanied by an individual identification number (Column 8, 57-63), a common data storage unit that stores course map data (Column 6, 7-8 and Column 9, 15-24), managing of group data (Column 4, 28-32), and a data analysis unit which in response to an advice request produces individual advice base upon current measurement data and individual past performance (Column 4, 20-28).

Fisher's data center is his portable communication terminal and is capable of

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working in conjunction with a host computer (Column 5, 55-60). Thus he does not literally disclose a database which is separate from the portable communication terminal that is capable of said functions. However, Fisher does disclose the possible separation of the two (Column 6, 3-13). And in further view of Patent No. 5,245,537 "Barber", which discloses a portable communication terminal working in conjunction with a database. Said database contains certain past performance player information and topographical data, which may be requested from and downloaded to the portable communication device (Column 2, 30-41 and Column 5, 43-57). Thus maintaining said functions in a separate database would be obvious to a person having ordinary skill in the art at the time of the invention.

16. With respect to Claim 8: Fisher discloses keeping track of groups and sub-groups and on an individual basis with in those sub-groups and updating all the members of the sub-group of the individual's score data (Column 1, 48-58 and Column 4, 30-42). See Form Paragraph 12 above regarding Group data storage unit and Distribution processing unit.

17. With respect to Claim 9: Fisher discloses a method of managing golf data that is capable of being transmitted between a portable communication device and data center via a communication network (Column 9, 42-52). Comprising a common data storage unit capable of storing a plurality of maps (Column 9, 15-23). Note that the examiner considers a CD and CD ROM a common data storage unit. Receiving of an individual's play data, practice data, and score data (Column 7, 4-9 and Column 10, 14-16 and Column 9, 43-47) which is all referenced to an individual's ID number (Column 8, 58-

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62); and stored in an individual data storage unit (Column 6, 4-7 or Column 4, 50-52).

And Fisher discloses reading out the course map data from the common storage unit or play data from the individual storage unit in response to a data request and is readable on the portable communication terminal (Column 3, 55-67).

18. With respect to Claim 10: Fisher teaches producing advice data and choice of golf club, which may be displayed on the portable communication terminal, wherein the said advice is based on measurement data and individual play data (Column 4, 20-28).

Furthermore, Fisher discloses a portable communication terminal which determines the current location on course map and based upon said position produces advice upon request which is can be read on the portable communication device (Column 3, 53-60 and Column 4, 1-4).

19. With respect to Claim 11: Fisher discloses using current location determined by portable communication terminal and individual play data to produce advice on choice of club which is displayed on the portable communication terminal (Column 4, 20-29).

20. With respect to Claim 12: Fisher stores individual performance data of players with in a sub-group or plurality thereof, his method also allows a read out of individual data real time or when all members of sub-group have holed out and this information is distributed to members in said sub-group (Column 4, 30-42).

21. With respect to Claim 13: Official Notice is taken that it is obvious, old, and well known to charge for the use of internet, wireless, or cell-phone devices for fixed amount or service charge for amount of data provided.

Fisher discloses checking out the portable communication terminal (because it is mounted in a golf cart and golf carts are rented from the club house and the host computer is located in the club house) and mentions the possibility of displaying commercials on the portable communication device (Column 7, 23-26).

Fisher does not disclose charging per advice request.

However, because Fisher does rent out the device and foresees the commercial nature of the device (he anticipated commercials), it would be obvious to one having ordinary skill in the art at the time of the invention to charge on a per request basis. Official Notice is taken that it is obvious to charge for services.

22. With respect to Claim 14: Fisher discloses lending the communication terminal to a player (Fisher mounts the portable communication terminal in a golf cart and golf carts, tools and services are rented/lent out), registering the player in the datacenter (Fig 20. and Column 8, 57 -63), transmitting of play data to a data center (Column 5, 55-67), storing and managing play data in an individual storage unit (Column 6, 49-53), transmitting course map data or advice data to portable communication terminal, and although it does not charge per advice request, Official Notice is taken that to charge for use of a tool is old and well known and it would be obvious to do so.

Conclusion

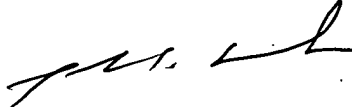
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (703) 605-1202. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-605-1202. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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